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October 2, 2023

By E-Filing

Hon. Rosemary Gambardella, U.S.B.J.
United States Bankruptcy Judge, District of New Jersey
50 Walnut Street, 3d Floor
Newark, NJ 07102

**Re: Jacobs v. Nationstar Mortgage LLC,
Adv. Proc. 16-01528(RG)**

Dear Judge Gambardella:

This firm represents Defendant Nationstar Mortgage LLC d/b/a Mr. Cooper (“Nationstar”) in the above captioned adversary proceeding. We write in response to Your Honor’s request for information about the status of this matter in advance of the scheduled October 5, 2023 status conference.

On August 17, 2023, Your Honor entered an Order denying Nationstar’s motion to dismiss the Amended Adversary Complaint of Plaintiffs Randall S.D. Jacobs and Jill W. Jacobs. (“Plaintiffs”). Thereafter, pursuant to Your Honor’s directions, Plaintiffs filed their Third Amended Adversary Complaint. Nationstar has filed an Answer and Affirmative Defenses to the Third Amended Adversary Complaint.

There have not been any settlement discussions since the July 7, 2023 hearing in this matter. At that hearing, Plaintiffs’ counsel stated that his clients were interested in a second mediation in this matter. Nationstar does not agree to such a mediation because we do not think it will be effective. Nationstar has already expended time and resources in one unsuccessful mediation. (ECF Docket No. 65). At that mediation, Nationstar and present loan servicer BSI Financial Services provided conclusive evidence that Plaintiffs’ claims relating to the principal amount proposed in a 2013 draft modification agreement were baseless. However, Plaintiffs ignored such evidence and continued to make the same claims and demand the same unreasonable relief. We do not believe that a further mediation will provide a different result. (We remain willing to discuss a reasonable settlement with Plaintiffs’ counsel).

Therefore, we request that at the scheduled October 5, 2023 status conference that the Court provide a schedule for discovery and further proceedings in this matter, including the filing of a summary judgment motion.



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Thank you for your attention to this matter.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Harold L. Kofman".

Harold L. Kofman

Cc: John Fazzio, Esq. (By E-Filing)